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September 17, 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

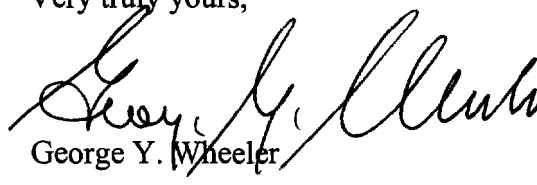
Re: RM No. 9096

Dear Mr. Caton:

Transmitted herewith on behalf of Mark IV Industries, Ltd., I.V.H.S. Division, by its attorneys, are an original and nine copies of its Reply Comments in the above-referenced proceeding.

If there are any questions or comments concerning this matter, please communicate with the undersigned.

Very truly yours,


George Y. Wheeler

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re: Petition for Rulemaking of

INTELLIGENT TRANSPORTATION SOCIETY OF
AMERICA

Requesting an Allocation of 75 MHz of Spectrum
in the 5.850-5.925 GHz Band for Use by Intelligent
Transportation Systems

To: The Commission

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RM No. 9096 SEP 17 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF
MARK IV INDUSTRIES, LTD., I.V.H.S. DIVISION

Mark IV Industries, Ltd., I.V.H.S. Division ("Mark IV") herewith, by its attorneys, files its reply comments in response to the Commission's Public Notice (DA 97-1106) dated May 28, 1997 regarding the above-referenced Petition for Rulemaking ("Petition") of the Intelligent Transportation Society of America ("ITS America").

* * *

Mark IV strongly supports the concerns expressed in the comments of toll and transportation authorities deploying ETC systems within the 902-928 MHz frequency band. As stated by the New Jersey Turnpike Authority,

"... [I]t is essential that the FCC consider, and be responsive to, the extensive financial investment made by agencies currently operating or in the process of supplementing ETC. There is no urgency to leave the 900 MHz band No agency or organization should be forced to move to the higher frequency before it is prepared to do so for services and economic reasons."¹

See also similar points as discussed in the comments filed by MTA Bridges and Tunnels, Maryland

¹ Letter of Edward Gross, Executive Director, New Jersey Turnpike Authority dated July 28, 1997, p. 2.

Transportation Authority and International Bridge, Tunnel and Turnpike Association.

The record in these proceedings confirms that massive ETC systems are being deployed by toll and transportation authorities throughout the U.S. using 902-928 MHz technologies. The economies of ETC operations, high reliability of these technologies, and their widespread public acceptance are already established facts.

As illustrated by the example of the E-ZPass InterAgency Group, the coordinated deployment of interoperable 902-928 MHz technologies has contributed substantially to the convenience and efficiency of a highway use in the northeast U.S. and elsewhere. The public benefits described in the ITS America Petition are already being achieved as confirmed in the comments of the New Jersey Turnpike Authority.²

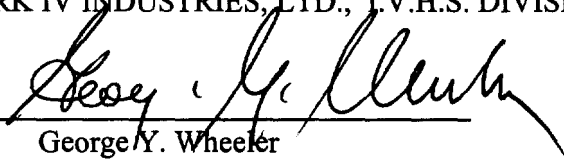
Both as a matter of law and sound public policy, the Commission should support the legitimate expectations of toll and transportation authorities to maximize the public benefits from their capital investment in the ETC technologies at 902-928 MHz. The Commission should confirm in these proceedings the continuing availability of the 902-928 MHz band to meet their public responsibilities and the central role of these authorities in making appropriate spectrum/technology choices for future ETC system deployments. The Commission should put to rest any concerns, such as those expressed

² Id. at p. 1.

by the International Bridge, Tunnel and Turnpike Association that “. . . toll officials might be forced, overtly or indirectly, . . [to shift to the 5.8 GHz range].”

Respectfully submitted,

MARK IV INDUSTRIES, LTD., I.V.H.S. DIVISION

By 
George Y. Wheeler

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September 17, 1997

CERTIFICATE OF SERVICE

I, Barbara Frank, a legal secretary in the law firm of Koteen & Naftalin, L.L.P., certify that on the 17th day of September, 1997, copies of the foregoing Reply Comments were deposited in the U.S. mail, postage prepaid, addressed to:

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/s/ Barbara Frank

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